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10/081,973	02/21/2002	Tetsu Shigetomi	450100-03762	2209
20/999 7590 05/27/2009 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				
EXAMINER				
JONES, HEATHER RAE				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

1. Applicant's arguments filed April 17, 2009 have been fully considered but they are not persuasive.

The Applicant argues that Nakamura et al. in view of Baji et al. fails to meet the claim limitations as discussed in claim 32 for the following reasons: 1) Nakamura et al. replaces the commercials and fails to view them, 2) Baji is changing the order of the commercials at the head end and not at the receiver, and 3) Baji stores the program and the commercials separately. The Examiner respectfully disagrees that the combination of the Nakamura et al. in view of Baji et al. do not meet the claimed limitations. The Examiner agrees that Nakamura et al. fails to view the commercials and that they are replaced with highlighted material, which is why Nakamura et al. is combined with Baji et al. While Nakamura et al. does not view the commercials it does mark the locations of the commercials using the CM sensing unit which detects the start and end of the commercial segments and then saves these locations in the CM index storage unit. By knowing the locations of the commercials many things are possible when combined with other references. Baji et al. discloses allowing the user to instruct the commercials to be displayed in the beginning, throughout, or at end of a program as disclosed by Table 1. Furthermore, in Embodiment 2 of the Baji et al. reference it discloses all of this can take place in the subscriber's system rather than in the headend as disclosed in Embodiment 1. The concept is basically the same, but just performed in the headend which is what is being said

in col. 8, lines 9-29. The commercials may be transmitted in a different order than in sequential order as required by the claim, but this feature is disclosed by Nakamura et al. (Fig. 2; col. 12, lines 17-35). Therefore, when Baji et al. is combined with the Nakamura et reference, the concept of allowing the user to designate when the commercials are viewed is possible since Nakamura et al. already knows where all the commercials are located throughout the program. One would be motivated to do this in order to ensure the advertisers that their commercials will be viewed rather than skipped over. Furthermore, regarding the argument that Baji stores the program and the commercials separately is irrelevant because Nakamura et al. discloses storing the broadcast sequentially (col. 12, lines 17-35; col. 14, lines 12-20) and since Nakamura et al. keeps an index indicating where the commercials are located it is possible to rearrange the commercials for viewing. Therefore, Nakamura et al. in view of Baji et al. meets the claimed limitations and the rejection is maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEATHER R. JONES whose telephone number is (571)272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones
Examiner
Art Unit 2621

HRJ
May 22, 2009

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621